

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF NEVADA

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In the Matter of Charges and  
Complaint Against  
ANIL PATEL, M.D.,  
Respondent.

Case No. 15-32273-1

FILED

FEB 13 2015

NEVADA STATE BOARD OF  
MEDICAL EXAMINERS

By: 

AMENDED COMPLAINT

The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), composed at the time of filing of Beverly A. Neyland, M.D., Bashir Chowdhry, M.D., and Sandy Peltyn, by and through Erin L. Albright, Esq., General Counsel and attorney for the IC, having a reasonable basis to believe that Anil Patel, M.D. (Respondent), violated the provisions of Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and allegations as follows:

FACTUAL BACKGROUND

The following facts are pertinent to a determination on this matter.

**A. Respondent's Licensure Status in Nevada**

1. Respondent has been licensed as a medical doctor by the Board since June 12, 2007, pursuant to the provisions of the Medical Practice Act.
2. Respondent is currently licensed in active status (License No. 12301).

**B. Respondent's Association with My Shape Lipo**

3. At all times alleged herein, Respondent was the medical director of My Shape Lipo and the supervising physician for Trevor A. Schmidt, a certified physician assistant (PA-C Schmidt).

1           4.       At all times alleged herein, PA-C Schmidt was the owner and operator of My  
2 Shape Lipo.

3           5.       Respondent was the supervising physician for PA-C Schmidt from March 16, 2011  
4 until October 23, 2012.

5       **C.     Respondent's Supervision of PA-C Schmidt**

6           6.       A physician assistant may perform such medical services as the physician assistant  
7 is authorized to perform by his supervising physician. NRS 630.271(1).

8           7.       Pursuant to NAC 630.360(1)(b), a physician assistant is authorized to perform the  
9 medical services that are within the scope of practice of the supervising physician of the physician  
10 assistant.

11          8.       Pursuant to NAC 630.370(1)(b) and NAC 630.360(1), Respondent had a duty to  
12 ensure PA-C Schmidt was performing those medical services that were approved by Respondent,  
13 commensurate with PA-Schmidt's education, training, experience and level of competence and  
14 within Respondent's scope of practice.

15          9.       At all times alleged herein, Respondent's specialty listed with the Board was  
16 family practice. He was also certified/trained in tumescent liposuction and aesthetic procedures.  
17 He was not certified/trained in fat injection procedures.

18          10.       At all times alleged herein, PA-C Schmidt was performing tumescent liposuction,  
19 aesthetic procedures and fat injection procedures.

20          11.       Due to the fact that Respondent's specialty listed with the Board is family practice,  
21 coupled with the fact that Respondent is not certified/trained to perform fat injection procedures,  
22 PA-C Schmidt was not authorized to perform fat injection procedures.

23          12.       Respondent failed to properly supervise PA-C Schmidt when he failed to ensure  
24 that PA-Schmidt was performing those medical services that were approved by Respondent,  
25 commensurate with PA-C Schmidt's education, training, experience and level of competence and  
26 within the scope of Respondent's practice.

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**COUNT I**

**(Failure to Supervise Physician Assistant)**

13. All of the allegations in the above paragraphs are hereby incorporated as if fully set forth herein.

14. NRS 630.275(8) provides that the Board shall adopt regulations regarding the licensure of a physician assistant, including, but not limited to, the supervision of medical services of a physician assistant by a supervising physician.

15. NRS 630.306(2)(b) provides that engaging in any conduct that the Board has determined is a violation of the standards of practice established by regulation of the Board is grounds for initiating disciplinary action against a licensee.

16. NAC 630.185 provides that NAC 630.185 through NAC 630.230, inclusive, set forth the standards of practice established by the Board.

17. NAC 630.230(1)(i) provides that a physician shall not fail to provide adequate supervision of a physician assistant.

18. A physician assistant may perform such medical services as the physician assistant is authorized to perform by his supervising physician. NRS 630.271(1).

19. Pursuant to NAC 630.360(1)(b), a physician assistant is authorized to perform the medical services that are within the scope of practice of the supervising physician of the physician assistant.

20. Pursuant to NAC 630.370(1)(b) and NAC 630.360(1), a supervising physician has a duty to ensure his physician assistant was performing those medical services that were approved by the supervising physician, commensurate with the education, training, experience and level of competence of the physician assistant and within the scope of practice of the supervising physician of the physician assistant.

21. While Respondent was the supervising physician for PA-C Schmidt, PA-Schmidt was performing fat injection procedures, which are outside Respondent's scope of practice. Since Respondent failed to ensure that PA-C Schmidt was performing those medical services that are within Respondent's scope of practice, Respondent failed to adequately supervise PA-C Schmidt.

22. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

**WHEREFORE**, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

3. That the Board determine the sanctions it will impose if it finds Respondent violated the Medical Practice Act;

4. That the Board make, issue and serve on Respondent, in writing, its findings of fact, conclusions of law and order, which shall include the sanctions imposed; and

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 13<sup>th</sup> day of February, 2015.

INVESTIGATIVE COMMITTEE OF THE  
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: \_\_\_\_\_

Erin L. Albright, Esq.  
General Counsel

Attorney for the Investigative Committee

## VERIFICATION

1 STATE OF NEVADA )  
2 : ss.  
3 COUNTY OF CLARK )

4 Beverly A. Neyland, M.D., hereby deposes and states under penalty of perjury under the  
5 laws of the state of Nevada that she is the Chair of the Investigative Committee of the  
6 Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the  
7 Respondent herein; that she has read the foregoing Complaint; and based upon information  
8 discovered during the course of the investigation into a complaint against Respondent, she  
9 believes the allegations and charges in the foregoing Complaint against Respondent are true,  
10 accurate and correct.

11 Dated this 13<sup>th</sup> day of February, 2015.


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13 Beverly A. Neyland, M.D.  
14 Beverly A. Neyland, M.D.  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 13<sup>th</sup> day of February 2015; I served a filed copy of AMENDED COMPLAINT, via USPS certified return receipt mail to the following:

Anil Patel, M.D.  
777 Ashley Dr. Unit 2101  
Tampa, FL 33602

Dated this 13<sup>th</sup> day of February, 2015.

  
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Angelia L. Donohoe  
Legal Assistant